

## OTHER MINUTES

Water District 110 Advisory Meeting  
February 6, 2013  
IDWR  
Idaho Falls, ID

Meeting was called to order at 1:10 pm. Those in attendance were James Cefalo, Darren Bitter, Doug Fransen, Mike Cope, Kirk Jacobs, Kenda Jones, Wendy Murphy, Scott Bergendorf, Don Parker, and Scott Clawson via telephone conference.

Minutes were reviewed from the February 2012 advisory meeting. Don Parker motioned to accept the minutes as presented, Darren Bitter seconded, and the minutes were accepted as presented.

Wendy Murphy presented the financial report. There is \$60,888 in checking/savings and a \$169 credit in the Accounts Receivable. The total current assets are \$60,719. There is an estimated charge from IDWR in the accounts payable for \$8,503, the opening balance equity of \$15,583, and retained earnings of \$24,099. The estimated net income is \$12,532 for total equity for the district of \$52,216. Profit and loss shows assessment income of \$84,852. Some penalty income was written off totaling \$21, there was \$25 in interest, and finance charges of \$25. IDWR contract was budgeted for \$83,453, actual expenses were \$72,035 there was an equipment charge of \$314. Total expenses were \$72,347 for 2012 resulting in a net income was \$12,522.

The budget for 2013 was discussed. The well and Watermaster fees will remain the same; CFS will be adjusted to \$19.80 to budget for a net income budget of \$0. The budget will be reduced by \$5,000 as the Watermaster position is being cost shared. An audit was not done this year as the cost was higher than anticipated and not required at this time. The audit cost will not be included in the budget and a review by the board will be done in place of the audit. Total proposed budget for 2013 is \$78,245. Darren Bitter motioned to accept the financials, Mike Cope seconded, and the financials and proposed budget were accepted as presented.

Scott Bergendorf presented the Watermaster report for 2012. Goals for 2012 were met, one-third of the wells were measured or visited. In addition, four new wells were measured and inventoried. Existing wells have all been measured and 2012 use per well is above average. Goals for 2013 are to measure 256 wells, the 1/3 protocol for the district, re-visit wells that were not able to be measured for 2012 and inventory new wells. There are also well depth measurements done on certain wells as part of the water district 110 contract. They are done in the spring before the pumps are turned on and in the fall after they are turned off. There are 8 wells that he measures for water district 110 and 15 wells IDWR measured in the area. These are irrigation wells as well as observation/test wells. The wells are affected most by seasonal use. Scott presented graphs to represent fluctuations in depths in different areas and seasonally. Snow pack averages were discussed. The averages from the 1970's were dropped and 2000 averages have been added. This change resulted in small changes in the averages overall. Reservoirs are lower overall than same time last year. A motion was made to accept the Watermaster report as presented, motion seconded and passed.

James discussed the NOV's and indicated most have been resolved. Aerial photography for 2012 will be reviewed and letters will be sent to potential violators. James discussed Idaho laws with respect to water users and their rights. Violations are expected to be few. Kirk Jacobs motioned to accept the Watermaster report, motioned was seconded, and Watermaster report was approved.

Advisory members will remain in place for now, an election will be held at the annual meeting.

Kirk Jacobs adjourned the meeting at 2:00 pm.

Wendy Murphy  
for Kenda Jones  
2/11/2014

Water District 110 Advisory Meeting  
November 5, 2013  
IDWR  
Idaho Falls, ID

Meeting was called to order at 9:10 am by Kirk Jacobs. Those in attendance were Daren Bitter, Kirk Jacobs, Don Parker, Scott Clawson, Mike Cope, Doug Fransen, Wendy Murphy, Scott Bergendorf, Cooper Fritz, James Cefalo, and Kenda Jones.

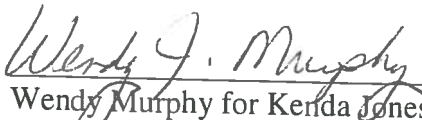
James Cefalo introduced Scott Bergendorf and Cooper Fritz, who performed the measurements this last season. James indicated Heather Bohac will be returning to the IDWR for measurements in 2014. He indicated there were three enforcement issues in Water District 110 this last irrigation season.

- Steve Murdock had purchased several shares out of the Hamer Canal but not fully utilized them by the Adjudication date of 1987. He is currently out of compliance for 104 acres.
- There are questions and calls regarding Gunderson's license. He has filed a late claim for 1,100 acres. Snake River Basin Adjudication claim is currently being researched by IDWR.
- David Ward's end guns are running when they were transferred off. Mr. Ward and IDWR are working toward a resolution.

Wendy gave a brief financial report. Indicating Water District 110 is still under budget but expenses are about \$4,000 more than the previous year in September.

There were a few questions regarding the expiration of the USGS contract. When this contract does expire, Water District 110 will pick up the water level measurements.

The meeting adjourned at 9:35 am.

  
Wendy Murphy for Kenda Jones

## **MINUTES OF ANNUAL MEETING**

Water District 110 Annual Meeting  
February 13, 2013  
Jefferson High School  
Terreton, ID

Meeting was called to order at 1:00 by Kirk Jacobs. Those in attendance were James Cefalo, Scott Bergendorf, Wendy Murphy, Kenda Jones, Kirk Jacobs, Don Parker, Mike Cope, Scott Clawson, and various water users from the district.

Don Parker nominated Kirk Jacobs to act as chairman of the meeting and Kenda Jones to act as secretary. The nomination was seconded and passed without opposition.

Minutes from the February 8, 2012 annual meeting were reviewed. Don Parker motioned to accept the minutes as presented, Mike Cope seconded the motion and the minutes were accepted as presented.

Wendy Murphy presented the financial report. There is \$60,888 in checking/savings. There is a \$169 credit for total current assets of \$60,719. There is an accounts payable outstanding of \$8,503 for IDWR contract, opening balance equity of \$15,583, retained earnings of \$24,099, net income of \$12,532 for total equity of \$52,215. An audit was not done this year as the cost was higher than anticipated and not required at this time. A review by the advisory committee will be done in place of the audit. Don Parker motioned to accept the financials, Scott Clawson seconded and the financials were accepted as presented.

James Cefalo presented the watermaster report for 2012. Licensing was a priority last year and will continue to be a priority of IDWR. The adjudication is all but finalized. Violations were discussed and enforcement is a priority. Goals for 2012 were met, one-third of the wells were visited and most were able to be measured. In addition, four new wells were measured. Existing wells have all been measured and 2012 use per well is above average. Goals for 2013 are to measure 256 wells, the 1/3 protocol for the district, re-visit wells that were not able to be measured for 2012 and inventory new wells. There are also well depth measurements done on certain wells as part of the Water District 110 contract. They are done in the spring before the pumps are turned on and in the fall after they are turned off. There are 8 wells measured for Water District 110 and 15 wells that IDWR measures under separate funding. These are irrigation wells as well as observation/test wells. James discussed the USGS measurement contract which is currently being paid by Jefferson Clark Ground Water District. A motion was made to accept the watermaster report as presented, motion was seconded and passed.

Resolutions for 2013 were reviewed. Dates were changed to reflect the new year. Resolution #7 addresses the budget and the changes are as follows:

- The audit expense was removed, as it will not be done. A review will be done by the committee if necessary.
- The budget was reduced by \$5,000. The watermaster position is being cost shared. Total budget for the 2013 year is \$78,245.

- CFS measurement rate will be reduced from \$22.70 to \$19.80.

Doug Fransen motioned to accept the budget, Don Parker seconded the motion and the budget passed.

Nominations were held for the election of advisory members. A motion was made to leave members in place, the motion was seconded and the advisory committee members will remain unchanged.

Kirk Jacobs adjourned the meeting at 1:45 pm.

## **APPROVED RESOLUTIONS**

**Water District 110  
2013 Resolutions**

1. That the watermaster perform the duties as required by Chapter 6, Title 42, Idaho Code and in accordance with:
  - 1) The duties described in the Final Order Creating Water District 110, signed by the Director of the Idaho Department of Water Resources (IDWR), April 17, 2006, including:
    - a) Measure, record and report diversions of ground water right included in Water District NO. 110;
    - b) Administer and enforce water rights in Water District No. 110 in priority;
    - c) Curtail unauthorized or excessive diversions in Water District No. 110 (i.e., any diversion without a water right or in excess of the elements or conditions of a water right);
    - d) Curtail out-of-priority diversions under ground water rights in Water District No. 110 determined by the Director to be causing injury to senior priority water rights if not covered by a stipulated agreement or a mitigation plan approved by the Director;
    - e) Enforce the provisions of any stipulated agreements or mitigation plans approved by the Director and applicable in Water District No. 110.
  - 2) Direction and guidance provided by the Director of IDWR pursuant to Idaho Water Law.
  - 3) The annual water district resolutions as adopted herein.
2. James Cefalo is elected the watermaster for Water District 110. That the Director of IDWR appoints James Cefalo an employee of IDWR, to provide watermaster services for the ensuing year.
3. As provided in Idaho Code § 42-608(4), the watermaster shall serve until the next annual meeting of the water district after election at this meeting and upon appointment by the Director.
4. The water users of Water District 110 hereby empower the elected advisory committee to enter into a Memorandum of Understanding between the Water District and the Director of IDWR that will provide for the following:
  - a) Water District 110 will provide compensation of the watermaster for all administrative watermaster duties (all duties other than measurement and reporting) for the term of service as specified in item 3 of these resolutions.

- b) The 2013 budget for Water District No. 110 includes expenses related to measurement and reporting, and will be set at this annual meeting in accordance with item 7 of these resolutions.
  - c) Water District No. 110 will provide compensation to IDWR for clerical and financial account support services.
  - d) The watermaster shall maintain an office for the ensuing year within the IDWR Eastern Regional Office, located in Idaho Falls, Idaho.
  - e) IDWR will provide office space, vehicles and the use of all necessary office and field equipment in exchange for compensation as set in the budget for the ensuing year. This arrangement shall not give Water District No. 110 any ownership interest in any IDWR office space and equipment. However, any equipment purchased by Water District 110 will remain owned by water district 110.
5. Water District No. 110 includes one or more canal companies, government entities, or other water delivery entities. The following canal companies and government entities had cooperative agreements or other arrangements with the North Water Measurement District to annually measure and report diversions on their own and to the measurement district in order to promote efficiency in the administration of water rights and water management. But will pay a pro rata portion of the Watermaster salary.
- 1) Montevue Canal Company
  - 2) Producers Canal Company
  - 3) Jefferson Irrigation Company
  - 4) United States Fish & Wildlife Service Camas National Wildlife Refuge
6. The entities designated above may have employees who measure and report diversions to the watermaster of Water District No. 110. The watermaster of Water District No. 110 may therefore appoint employees or agents of these entities as assistant watermasters for purposes of measuring and reporting water use to the watermaster of Water District No. 110. The water district watermaster and the Director of IDWR will provide direction and guidance to assistant watermasters for measuring and reporting of diversions in these entities, including but not limited to the following:
- a) Each entity responsible for data collection shall provide an annual report of diversion data to the water district watermaster in accordance with Idaho Code § 42-606, § 42-708, § 42-709, and the direction provided by the Director of IDWR.
  - b) Assistant watermasters shall cooperate and coordinate with the water district watermaster and IDWR in sharing water use information.
  - c) The regulation of diversions, including curtailment of diversions and other water right enforcement actions, shall be the primary responsibility of the water district watermaster and IDWR.

- d) The designated districts will first be given the opportunity to resolve unauthorized diversions, or other enforcement matters before action is taken by the watermaster or IDWR.
  - e) To the extent that assistant watermasters may otherwise be involved in the regulation or enforcement of diversions, such involvement will be under the instruction of the watermaster and the Director of IDWR.
- 7. The budget of Water District No. 110 for the fiscal year 2013 beginning February 1, 2013, and ending on January 31, 2014, be as follows:

See attached Budget

- 8. Assessment basis for measurement & reporting expenses: Diversions in Water District 110 that are not already measured by one of the canal companies or government entities identified in item 5 of these resolutions, and also have a diversion rate allowed by their water right in excess of 0.24 cfs and/or irrigation of more than five acres shall be measured directly by the water district in the ensuing year and assessed for measuring and reporting at the following rate;
  - a) \$25 per diversion, and;
  - b) A pro-rata share of the total expense for measuring and reporting, minus the total amount charged for all the diversions in the district required to measure, determined by the fraction of the recorded diversion rate for each water right is to the total recorded diversion rate of all water rights being measured in the district.
- 9. Kirk Jacobs be elected Water District No. 110 Treasurer. The duties of the treasurer will be to approve the expenses and disburse water district funds, and to prepare or oversee preparation of a written statement of the financial affairs of the district at the end of each fiscal year, in accordance with Idaho Code, Section 42-619. Don Parker will also be a designated authorized signature for banking purposes.
- 10. An advisory committee shall be elected at each regular annual session to represent the interests of the water users and to provide input to the watermaster and the Director of IDWR. The advisory committee will consist of 5 members, including at least one water user from Hamer, one water user from Montevue, and one from Mud Lake/Terreton Area.
- 11. WHEREAS Idaho Code 42-605 provides for voting by water users and election of an advisory committee, the water users of Water District No. 110 hereby resolve that the credentials for voting in any district meeting and for serving on the district advisory committee will be as follows:
  - a) Must be a water user of the district as evidenced by a valid water right or
  - b) Must have paid all assessments owed to the water district.

12. The annual Water District No. 110 meeting shall hereafter be held on the second Wednesday of February, of each year unless the Director of IDWR or the Water District No. 110 advisory committee should find it necessary to change the meeting date or unless changed by resolution of the district at any annual meeting.
13. Copies of the minutes of the annual meeting, the budget as approved, all resolutions approved, and the report prepared in accordance with Idaho Code § 42-615, shall be filed with the director of the Department of Water Resources in accordance with Idaho Code § 42-617.
14. The watermaster of Water District No. 110 shall be responsible for submitting to IDWR annual reports showing water use and such other information that may be deemed necessary by the Director of IDWR in accordance with Idaho Code § 42-606, § 42-708, and § 42-709.
15. The watermaster and assistant watermasters are authorized under Idaho Code § 42-1701(5) to make reasonable entry on lands within the district to carry out the duties of the watermaster as instructed by IDWR. These duties include but are not limited to:
  - a) Monitoring diversion and measuring rate and volume of water diverted from ground water and other public water sources.
  - b) Measuring the depth to water in wells.
  - c) Monitoring the place, period, and nature of use of water to identify unauthorized diversion and use and to determine compliance with mitigation provisions required by agreement or order of IDWR.
16. All payments for assessments not received by May 1, 2013 shall accrue penalties in the amount of 10% of the charge and interest in the amount of 1% per month, as provided pursuant to Idaho Code § 42-617.
17. Be it also resolved, that the Watermaster is authorized pursuant to Idaho Code § 42-618, to withhold or suspend deliveries of water to any water users who have not paid their assessment charge by January 1 of the year following the billing date.